

FEDERAL ELECTION
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COUNSEL

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November 3, 2008

Kim Collins
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 6092

Dear Ms. Collins:

On behalf of Obama for America and Martin H. Nesbitt as Treasurer ("Respondents"), this letter is submitted in response to the complaint filed by David Hood Jr. ("the Complaint") and subsequently labeled MUR no. 6092. A Designation of Counsel is attached. The Complaint fails to allege a violation of federal election law and asserts no facts that give rise to a reason to believe that federal election law has been violated. It should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would "describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. §§ 111.4(a), (d) (2008). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint describes a meeting held by a Religious Society of Friends chapter on September 14, and a discussion therein regarding renting space for an "Obama Fundraiser" held on October 3, 2008. The Complaint states that it was agreed in the meeting that the individuals would "rent the building from themselves," presumably using individual funds. The Complaint alleges that a member of the "board of decision making for the Quakers" was also a "campaign organizer for the Obama fundraiser"; yet the Complaint does not provide her name.

The Complaint does not contain facts alleging that Respondents have violated any federal election law. Respondents did not hold an event in Purchase, New York on October 3, 2008.

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Respondents do not know the identity of the "campaign organizer" mentioned in the Complaint (although without being provided with a name, further investigation is virtually impossible), and Respondents do not believe that the facts describe any agent of Obama for America. Attached is an affidavit to that effect from Michael Dykes, the Finance Chief of Staff of Obama for America. The Complaint therefore seems to be describing activity unrelated to Respondents.

Moreover, the Complaint does not allege a violation of federal election law at all. The Complaint does not allege a contribution from the Religious Society of Friends to any campaign or political committee; the Complaint itself notes that individuals paid for the value of the resources used. The only allegation of illegal activity in the Complaint is that the activities may have violated the prohibition on political activities by religious entities organized under section 501(c)(3) of the Internal Revenue Code. The Commission does not have jurisdiction over this allegation.

In sum, the Complaint does not allege any facts that would describe a violation of federal election law. Pursuant to 11 C.F.R. § 111.4(d), Respondents respectfully request that the Complaint be immediately dismissed.

Very truly yours,



Robert F. Bauer
Rebecca H. Gordon
Ezra W. Reese

Counsel to Obama for America & Martin H. Nesbitt, Treasurer

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STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

ALL MRs

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The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

10/24/08 [Signature] Treasurer
Date Respondent/Client Signature Title

RESPONDENT/CLIENT: Martin H. Nesbitt, Treasurer
Obama for America

MAILING

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Chicago, IL 60680

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Information is being sought as part of an investigation being conducted by the federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation.

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